

### III. REMARKS

1. Claims 1-9 and 11-26 remain in the application. Claim 10 has been cancelled without prejudice. Claims 1, 25, and 26 have been amended. Support for the amendment may be found in the specification, for example, paragraphs [0042]-[0044] of the application as filed.

2. Applicants respectfully submit that claims 1, 2, 5-7, 10-13, 15, 21, 25 and 26 are not anticipated by Haggerty et al. (US 4,331,254, "Haggerty") under 35 USC 102(b).

Haggerty fails to disclose or suggest

a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer,

as substantially recited by claims 1, 25, and 26.

Haggerty discloses a seal comprising a stack of flexible sheets, each having a series of slits radiating towards a perimeter of the sheets. The sheets are arranged so that the slits of each adjoining sheet are offset by 15 degrees. The first two layers also include an aperture in the center. However, Haggerty has no movable layer that is arranged to be movable in a plane between the top and bottom layers. The sections defined by the slits are movable but not in a plane between the top and bottom layers.

Therefore, Applicants submit that Haggerty does not anticipate independent claims 1, 25 and 26 and dependent claims 2, 5-7, 10-13, 15 and 21.

3. Applicants respectfully submit that claim 3 is patentable over the combination of Haggerty and Shillington et al. (US 5,024,327, "Shillington") under 35 USC 103(a).

Claim 3 depends from claim 1. Shillington discloses a limited access closure cover for a disposable sharps container. However, Shillington, like Haggerty, fails to disclose or suggest a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer. Because neither

reference discloses or suggests these features, the combination of Haggerty and Shillington fails to render claims 3 and 4 unpatentable.

4. Applicants respectfully submit that claim 8 is patentable over the combination of Haggerty and Albanesi et al. (US 6,586,063, "Albanesi") under 35 USC 103(a).

Claim 8 depends from claim 1. Albanesi is directed to a multilayer material for containing liquid hypochlorite bleach products. Albanesi fails to disclose or suggest the features of claim 1 missing from Haggerty argued above, in particular, a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty and Albanesi fails to disclose or suggest all the features of claim 1 and fails to render claim 8 unpatentable.

5. Applicants respectfully submit that claim 9 is patentable over the combination of Haggerty and Bauer et al. (US 6,902,076, "Bauer") under 35 USC 103(a).

Claim 9 depends from claim 1. Bauer discloses a seal secured to a bottle with a cap member for rupturing the seal. Bauer has nothing related to a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

At least for this reason, the combination of Haggerty and Bauer fails to disclose or suggest all the features of claim 1 and fails to render claim 9 unpatentable.

6. Applicants respectfully submit that claim 14 is patentable over the combination of Haggerty and Stull et al. (US 5,071,017, "Stull") under 35 USC 103(a).

Claim 14 depends from claim 1. Stull fails to disclose or suggest the features of claim 1 missing from Haggerty argued above, that is, a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty and Stull fails to render claim 14 unpatentable.

7. Applicants respectfully submit that claim 16 is patentable over the combination of Haggerty and Jenkins et al. (US 4,847,050, "Jenkins") under 35 USC 103(a).

Claim 16 depends from claim 1. Jenkins, like the other references, fails to disclose or suggest the features of claim 1 missing from Haggerty, that is, a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

At least for this reason, the combination of Haggerty and Jenkins fails to render claim 16 unpatentable.

8. Applicants respectfully submit that claims 17 and 18 are patentable over the combination of Haggerty and Mavin et al. (US 2004/0217083, "Mavin") under 35 USC 103(a).

Claims 17 and 18 depend from claim 1. Mavin has no disclosure related to a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty and Mavin fails to disclose or suggest all the features of claim 1 and fails to render claims 17 and 18 unpatentable.

9. Applicants respectfully submit that claims 19 and 20 are patentable over Haggerty under 35 USC 103(a).

Claims 19 and 20 depend from claim 1. As argued above, Haggerty fails to disclose or suggest a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer. Therefore, Haggerty fails to render claims 19 and 20 unpatentable.

10. Applicants respectfully submit that claims 1, 21, 23 and 24 are patentable over the combination of Haggerty and Berray et al. (US 6,939,513, "Berray") under 35 USC 103(a).

The combination of Haggerty and Berray fails to disclose or suggest:

the bottom and top layer each comprising a recloseable aperture of the cover, arranged directly over each other and allowing access through the layers into the container;

wherein a bending fold axis of each reclosable aperture is arranged on an opposite side of the cover,

as substantially recited by claim 1.

As argued above, Haggerty fails to provide these missing features. Berray also fails to provide these limitations. Berray is directed to a flexible mat of closure plugs for insertion into the tops of sample vials held in a well plate, but has no disclosure related to reclosable apertures arranged directly over each other, wherein a bending fold axis of each reclosable aperture is arranged on an opposite side of the cover.

Therefore, the combination of Haggerty and Berray fails to render claims 1, 21, 23 and 24 unpatentable.

11. Applicants respectfully submit that claim 22 is patentable over the combination of Haggerty, Berray and Hague et al. (US 6,286,698, "Hague") under 35 USC 103(a).

Claim 22 depends from claim 1. As argued above, the combination of Haggerty and Berray fails to disclose or suggest all the features of claim 1. Hague discloses a container with a child resistant closure for preventing an oral dosage from passing out of the container. However, Hague fails to disclose or suggest a movable layer arranged to be movable in a plane between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty, Berray and Hague fails to render claim 22 unpatentable.

12. Claim 27 is new and is directed to a cover for sealing a container. The cover includes at least one bottom layer and at least one top layer arranged over said bottom layer. The bottom and top layer each comprise a recloseable aperture of the cover, arranged directly over each other and allowing access through the layers into the container; wherein a bending fold axis of each reclosable aperture is arranged on an opposite side of the cover.

None of the prior art references disclose or suggest:

the bottom and top layer each comprising a recloseable aperture of the cover, arranged directly over each other and allowing access through the layers into the container;

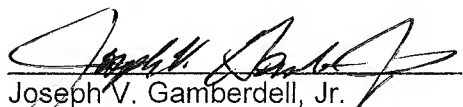
wherein a bending fold axis of each reclosable aperture is arranged on an opposite side of the cover.

In particular, Haggerty has no reclosable apertures directly over each other in a top and bottom layer. Because the slits are offset by 15 degrees, the sections formed by the slits are not directly over each other. Furthermore, Haggerty has no bending fold axis of each reclosable aperture arranged on an opposite side of the cover. Any bending fold axes that may be found in Haggerty must also be offset by 15 degrees and thus cannot be arranged on opposite sides of the cover.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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